



BENNETT JONES LAWYERS AND ADVISORS GROUP

Manufacturing

[Manufacturers](#) must negotiate tight margins, rising costs, global competition and the territorial barriers of local and national taxes and international treaties. The market intelligence and legal knowledge of [Bennett Jones](#) allows our manufacturing clients to manage the outside influences and maintain a commercially viable business.

We advise clients in regard to:

- Financing
- Public offerings and securities
- Mergers, acquisitions and dispossessions
- Corporate commercial matters and corporate governance
- Product regulation and liability
- Restructuring
- Commercial litigation
- Purchase and sale of manufacturing operations
- International trade, including Canadian International Trade Tribunal (CITT) matters
- Competition and antitrust matters
- Employment matters
- Protecting proprietary processes and other intellectual property
- Equipment financing and leasing

EXPERIENCE

- PricewaterhouseCoopers Inc., as Monitor of Poseidon Concepts Corp. in its cross-border Companies Creditors' Arrangement Act ("CCAA") proceedings, including in its Court sanctioned role of taking proceedings against Poseidon's directors and auditors to recover additional funds for the estate.

- National class actions against Hyundai and Kia settled in parallel with U.S. proceedings, for up to \$70 million plus options.

- TerraVest Capital Inc., in connection with its \$54 million acquisition of Gestion Jerico Inc., a Quebec-based commercial and residential tank manufacturing company, from Clarke Inc. and 9202-2599 Quebec Inc.

NEWS & EVENTS

Climate Change Policy and Competitiveness (April 16, 2014)

Jurisdictions are attempting to design and implement climate change policies in a manner that addresses economic competitiveness and prevents the relocation of affected industries (i.e., to jurisdictions with less onerous carbon requirements). Some existing carbon pricing programs in North America (e.g., California, Quebec, RGGI) and globally (e.g., EU) include mechanisms designed to deal with these competitiveness and leakage risks. Alternative mechanisms have also been proposed and analyzed, such as Border Carbon Adjustments (BCAs). This seminar reviewed and explored recent analyses and learnings from economic, legal and practical perspectives, towards reconciling the carbon pricing-competitiveness challenge. The event should be of interest to a broad range of policy makers, businesses, trade associations, and academics. This seminar was presented by IETA, Centre for European Policy Studies and Bennett Jones LLP.

Bennett Jones Launches Canadian Anti-Spam Information Site (January 22, 2014)

In response to the long-awaited regulations pertaining to the Canadian government's anti-spam legislation, Bill C-28, Bennett Jones LLP has created a one-of-a-kind informational site designed to help businesses and individuals plan a comprehensive compliance strategy.

Ranjan Agarwal Interviewed about General Motors of Canada Ltd. v Johnson in Law Times (November 11, 2013)

In the Law Times (Vo. 24, No. 36) article, "Appeal Court Decision on Poisoned Workplace Claims a Win for Employers," Ranjan Agarwal is interviewed about the decision in General Motors of Canada Ltd. v Johnson and how it may embolden companies that approach human rights complaints in good faith. Ranjan is quoted, "There is a way to meet your human rights obligations and at the same time be firm about returning to work. This case is a good, strong signal that the law will protect you if you do those things."

PUBLICATIONS

Increased Use of Summary Disposition in the Federal Court: An Efficient and Cost-Effective Tool to Resolve Trademark Cases (December 15, 2014)

For many years, summary disposition was essentially unavailable in intellectual property cases in the Federal Court of Canada, unless a claim or defence was plainly devoid of merit. For some parties, this presented a disincentive to advance meritorious claims where the costs of litigation would exceed what was likely to be recovered.

Bennett Jones Spring 2014 Economic Outlook (June 10, 2014)

While the geo-political landscape has changed somewhat since our November 2013 Economic Outlook, the outlook for global economic growth has not changed much. We continue to project real global growth of about 3.5 percent in each of 2014 and 2015. However, the international and industrial composition of that growth will change somewhat in 2014 and 2015. Growth in 2016 is projected to be about 3.5 percent but with further changes in composition which may have important implications for Canada.

In section I, we describe the most important features of the global outlook to 2016. In section II, we present the outlook for a two-speed Canada in the context of the outlook for global growth and most importantly in the context of the ongoing structural changes in the Canadian and provincial economies. In this section, we also examine possible policy responses to the structural challenges. As usual, in the final section we examine the outlook for global trade with particular attention to the challenges we face in Canada.

Prison Sentence in Air India Bribery Scheme Sends Deterrent Message to Canadian Executives (May 25, 2014)

On May 23, Nazir Karigar, an agent of Cryptometrics Canada Inc. (Cryptometrics), was sentenced to three years in federal prison under Canada's foreign bribery statute. Mr. Karigar was convicted last August of conspiring to pay approximately \$450,000 to India's Minister of Civil Aviation and officials of Air India, a state-owned enterprise, in an attempt to win a multi-million dollar contract for Cryptometrics to supply security systems to Air India. Mr. Karigar was convicted largely on the evidence of another Cryptometrics executive, who was granted immunity from prosecution in exchange for his cooperation. Karigar had unsuccessfully attempted to negotiate immunity for himself, and instead became the focus of the prosecution.